

ESTTA Tracking number: **ESTTA39737**

Filing date: **07/22/2005**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Adecco SA
Granted to Date of previous extension	07/24/2005
Address	Chateau Bonmont Cheserex, 1275 SWITZERLAND

Attorney information	George C. Limbach DLA Piper Rudnick Gray Cary US LLP 2000 University Avenue East Palo Alto, CA 94303-2248 UNITED STATES carolanne.bashir@dlapiper.com Phone:650.833.2434
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Applicant Information

Application No	78351940	Publication date	01/25/2005
Opposition Filing Date	07/22/2005	Opposition Period Ends	07/24/2005
Applicant	ADESSO SYSTEMS, INC. ONE LIBERTY SQUARE 7TH FLOOR BOSTON, MA 02109		

UNITED STATES

Goods/Services Affected by Opposition

Class 009. First Use: 20030129First Use In Commerce: 20030129

All goods and services in the class are opposed, namely: Computer software platforms for use in developing, deploying and/or operating mobile applications; computer software platforms for use in storing, communicating and/or sharing data with other computer applications that store, process or provide data for use in mobile applications

Class 042. First Use: 20030129First Use In Commerce: 20030129

All goods and services in the class are opposed, namely: Application service provider (ASP), namely, hosting computer software applications for use in developing, deploying and/or operating mobile applications and for use in storing, communicating and/or sharing data with other computer applications that either store, process or provide data for use in mobile applications; designing and customizing such computer applications; providing computer consulting and technical support services, namely, troubleshooting of computer software problems for the foregoing computer software applications for the foregoing computer applications

Attachments	ADESSO NOTICE OF OPPOSITION.pdf (2 pages)
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Signature	/George C. Limbach/
Name	George C. Limbach
Date	07/22/2005

1. According to the Trademark Office records, on or about January 14, 2004, Adesso Systems, Inc., a Delaware corporation ("Applicant") with a principal office located at One Liberty Square, 7th Floor, Boston, Massachusetts 02109, filed an application to register "ADESSO" ("Applicant's mark") for "computer software platforms for use in developing, deploying and/or operating mobile applications; computer software platforms for use in storing, communicating and/or sharing data with other computer applications that store, process or provide data for use in mobile applications" in International Class 9, and "application service provider (ASP), namely, hosting computer software applications for use in developing, deploying and/or operating mobile applications and for use in storing, communicating and/or sharing data with other computer applications that either store, process or provide data for use in mobile applications; designing and customizing such computer applications; providing computer consulting and technical support services, namely, troubleshooting of computer software problems for the foregoing computer software applications for the foregoing computer applications" in International Class 42 ("Applicant's goods and services"), and alleging a date of first use of the mark for these goods and services as January 29, 2003. This application was assigned Serial No. 78351940 (the "'940 application"). The '940 application was published on page TM 125 of the January 25, 2005 edition of the Official Gazette in Classes 9 and 42.

2. On February 16, 2005, Adecco S.A., a Swiss joint stock company ("Opposer") with a principal location at Chateau Bonmont 1275, Cheserex, Switzerland, obtained a ninety-day extension of time to file a Notice of Opposition to registration of Applicant's mark, which extension was granted by the Office until May 25, 2005. Opposer then subsequently requested a stipulated extension of time for sixty (60) days, which was granted by the Office until July 24, 2005.

3. Opposer is the owner of the following trademarks registered with the U.S. Patent and Trademark office for various employment agency services and consulting and business management services related thereto, computerized file management, educational and training services related to employment and business management and other consulting services, including but not limited to computer consulting and computer programming, in classes 35, 41 and 42.

ADECCO, Reg. No. 2209526

ADECCO JOB SHOP, Reg. No. 2375347

ADECCO PAYWISE SYSTEMS APS & Des, Reg. No. 2808488

These registrations are valid, in full force and effect and are conclusive evidence of Opposer's exclusive right to use the ADECCO trademark for its services.

4. In addition to rights from the registrations of Opposer's mark, Opposer has, with respect to use of its mark associated with consulting and business management services, valid common law rights in the ADECCO trademark which common law rights date back to at least as early as January 1, 1997.

5. Opposer has extensively advertised and offered its services, and has created widespread goodwill under its ADECCO mark. The ADECCO mark has become a valuable asset of Opposer and is the principal symbol of its extensive goodwill. By reason of the widespread advertising of Opposer's services offered in connection with its ADECCO mark, the

trade and consuming public have come to recognize Opposer's marks as signifying Opposer and as identifying Opposer as the source of services used in connection with the ADECCO mark.

6. Opposer has used the trade name and mark ADECCO since at least as early as January 1, 1997, to identify its services, prior to Applicant's January 14, 2004 filing date of the '940 application.

7. If Applicant's mark is registered, the public might reasonably believe that Applicant's services are provided by or related to Opposer, all to the detriment of the consumers and Opposer.

8. Applicant's mark, ADESSO, is confusingly similar to Opposer's ADECCO mark and is likely to be confused therewith. Applicant's proposed mark is deceptively similar to Opposer's trademark so as to cause confusion, mistake or deception as to the origin of Applicant's services, and it is likely to cause irreparable harm to Opposer and to consumers.

9. Through the widespread use of the ADECCO mark, Opposer's mark has become well known and has acquired extensive goodwill in connection with its business management, employment, educational and training, and consulting services. Opposer stands to have the value of its trademark diluted by Applicant's use of a confusingly similar trademark in connection with computer consulting and programming services, which will undoubtedly confuse consumers as to the source of Applicant's services. Thus, Applicant should not be entitled to registration of its mark.

10. Applicant's mark is in violation and derogation of Opposer's common law rights and is likely to cause confusion, mistake and deception among purchasers and users as to the source or origin of its services, thereby causing loss, damage and injury to Opposer and the public.

11. If Applicant were granted the registration herein opposed, it would thereby obtain a prima facie exclusive right to its mark. Such registration would be a source of damage and injury to Opposer.

WHEREFORE, Opposer prays that Application Serial No. 78351940 is rejected and no registration be issued thereon, and that this Opposition be sustained in favor of Opposer.